

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

DECISION AND ORDER

v.

6:21-CR-06131 EAW

PEARL MIBBS,

Defendant.

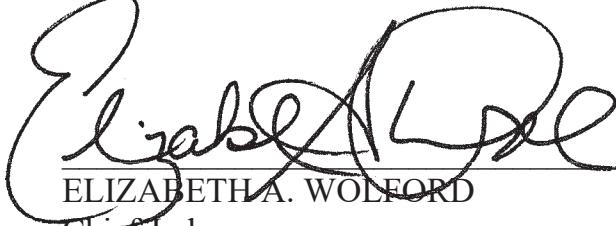
Defendant Pearl Mibbs (“Defendant”) stands accused by way of an indictment returned on November 30, 2021, with a narcotics conspiracy in violation of 21 U.S.C. § 846, attempted possession with intent to distribute 50 grams or more of methamphetamine in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2, and failure to appear after pre-trial release in violation of 18 U.S.C. § 3146(a)(1) and (b)(1)(A)(i). (Dkt. 35). The undersigned referred the matter to United States Magistrate Judge Mark W. Pedersen pursuant to 28 U.S.C. § 636(b), for the conduct of all pre-trial matters. (Dkt. 37).

On April 26, 2024, counsel for Defendant filed a motion for a hearing to determine Defendant’s mental competency pursuant to 18 U.S.C. § 4241(a). (Dkt. 83). The motion was supported by a declaration from defense counsel (Dkt. 87; Dkt. 88), and it was not opposed by the government. Judge Pedersen issued an order on May 9, 2024, directing that Defendant undergo a psychiatric/psychological examination. (Dkt. 89). A forensic evaluation dated July 30, 2024, was prepared (Dkt. 94), and the parties appeared before Judge Pedersen on August 27, 2024, for a competency hearing, at which time neither party

contested the findings in the forensic evaluation. Judge Pedersen issued a written Report and Recommendation (“R&R”) that same day, finding Defendant competent to stand trial. (Dkt. 96). No objections to the R&R were filed, and the time for filing any such objections has passed.

“The district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.” *United States v. Preston*, 635 F. Supp. 2d 267, 269 (W.D.N.Y. 2009). Having reviewed the record, the Court finds no error, clear or otherwise, in the R&R. Accordingly, the Court accepts and adopts the R&R and finds by a preponderance of the evidence that Defendant is not presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. Thus, Defendant is competent to stand trial.

SO ORDERED.



ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: September 30, 2024
Rochester, New York